



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/716,328
Filing Date	11/18/2003
First Named Inventor	Richard A. Terwilliger
Art Unit	3736
Examiner Name	Nikita R. Veniaminov
Attorney Docket Number	WORLD-01004US2

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
|--|--|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fliesler Meyer LLP	Customer No.	23910
Signature			
Printed name	Sheldon R. Meyer		
Date	6/15/05	Reg. No.	27,660

**CERTIFICATE OF TRANSMISSION/MAILING**

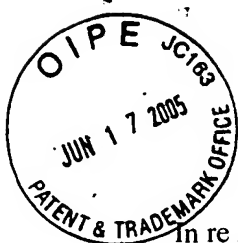
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Mail Stop Amendment

Signature			
Typed or printed name	Sheldon R. Meyer	Date	6/15/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application

Inventor(s): Terwilliger, et al.  
 Appl. No.: 10/716,328  
 Confirm. No.: 5231  
 Filed: November 18, 2003  
 Title: IMPROVED DELIVERY FOR INTERSTITIAL  
 RADIOTHERAPY USING HOLLOW SEEDS

## PATENT APPLICATION

Art Unit: 3736  
 Examiner: N. Veniaminov

Customer No. 23910

### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on June 15, 2005.

(Attorney Signature)

Sheldon R. Meyer, Reg. No. 27,660  
 Signature Date: June 15, 2005

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made, that the material is considered prior art, or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

#### *Enclosed with this statement are the following:*

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: [pac/dapp/opla/preognotice/idswouscopies.htm](http://pac/dapp/opla/preognotice/idswouscopies.htm), copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

- ✓ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

***This statement should be considered because:***

✓ 37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— 37 C.F.R. §1.97(c). Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --  
— (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— 37 C.F.R. §1.97(d). Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

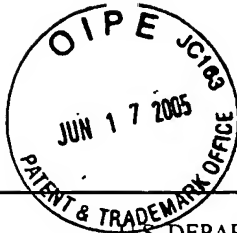
Respectfully submitted,

Date: 6/15/05

By: \_\_\_\_\_

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Form PTO-1449 (Substitute)				U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number <b>WORLD-01004US2</b>		Serial/Patent Number <b>10/716,328</b>	
<b>Information Disclosure Statement</b> <b>BY APPLICANT</b> (Use several sheets if necessary)						Applicant/Patent Owner <b>Terwilliger, et al.</b>			
						Filing/Issue Date <b>11/18/2003</b>		Group Art Unit <b>3736</b>	
<b>U.S. PATENTS</b>									
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date		
	1.	2,575,138	11/13/51	Slaughter			10/29/48		
	2.	3,752,630	08/14/73	Takagi	425	325	01/05/72		
	3.	4,754,745	07/05/88	Horowitz	128	1.2	07/07/86		
	4.	4,815,449	03/28/89	Horowitz	600	7	03/30/87		
	5.	5,022,940	06/11/91	Mehoudar	156	64	09/26/89		
	6.	6,010,446	01/04/00	Grimm	600	3	05/20/98		
	7.	6,099,457	08/08/00	Good, Roger	600	8	08/06/91		
	8.	6,200,255 B1	03/13/01	Yu	600	1	10/30/98		
	9.	6,264,600 B1	07/24/01	Grimm	600	7	10/21/99		
	10.	6,273,851 B1	08/14/01	Slater et al.	600	8	05/14/99		
	11.	6,327,490 B1	12/04/01	Spetz	600	427	02/26/99		
	12.	6,360,116 B1	03/19/02	Jackson, Jr. et al.	600	427	02/26/99		
	13.	6,387,034 B1	05/14/02	Lee	600	427	08/17/99		
	14.	6,403,916 B1	06/11/02	Spooner et al.	219	121.63	05/12/00		
	15.	6,428,504 B1	08/06/02	Riazat et al.	604	65	04/06/00		
	16.	6,438,401 B1	08/20/02	Cheng et al.	600	407	08/11/00		
	17.	6,450,937 B1	09/17/02	Mercereau et al.	600	7	12/17/99		
	18.	6,450,938 B1	09/17/02	Miller	600	7	03/21/00		
	19.	6,450,939 B1	09/17/02	Grimm	600	8	11/06/00		
	20.	6,474,535 B1	11/05/02	Shanks et al.	228	164	11/19/99		



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Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	21.	6,500,109 B2	12/31/02	Tokita et al.	600	7	07/19/01
	22.	6,549,802 B2	04/15/03	Thornton	600	426	06/07/01
	23.	6,572,525 B1	06/03/03	Yoshizumi	600	7	05/26/00
	24.	6,575,888 B2	06/10/03	Zamora et al.	600	3	01/24/01
	25.	6,595,908 B2	07/22/03	Loffler et al.	600	7	02/16/01
	26.	6,626,817 B2	09/30/03	Luth	600	7	11/21/01
	27.	6,656,106 B2	12/02/03	Schmidt	600	7	08/17/01
	28.	6,709,381 B2	03/23/04	Munro, III	600	3	05/31/02
	29.	6,746,661 B2	06/08/04	Kaplan	424	1.25	05/18/01
	30.	6,752,753 B1	06/22/04	Hoskins et al.	600	7	10/16/00
	31.	6,761,680	07/13/04	Terwilliger et al.	600	8	06/04/02
	32.	6,786,858 B2	09/07/04	Terwilliger et al.	600	3	04/26/02
	33.	6,820,318 B2	11/23/04	Terwilliger et al.	29	458	06/04/02

### U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
	34.	US2003/0084988 A1	05/08/03	Terwilliger et al.
	35.	US2003/0092958 A1	05/15/03	Terwilliger et al.
	36.	US2004/0015037 A1	01/22/04	Rapach et al.
	37.	US2004/0158117 A1	08/12/04	Drobnik et al.
	38.	US2004/0158118 A1	08/12/04	Drobnik et al.

### PENDING U.S. PATENT APPLICATIONS

Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes   No



FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	<u>Abstract</u> Yes   No	
	39.	EP 0 466 681 B1	01/15/92	Europe	A61N	5/10	X	
	40.	EP 0 030 822 B1	09/14/83	Europe	A61L	17/00	X	
	41.	WO 00/64538	02/11/00	WIPO	A61N	5/10		
	42.	WO 00/61229	10/19/00	WIPO	A61N	5/10		
OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)								
	43.	Webster's II New Riverside University Dictionary, page 191, 1984.						
	44.	Medi-Physics brochure entitled "I-125 Seeds. No. 6711, Medi-Physics, Inc. Arlington Heights Il. 60004, USA; Revised. October 1999, 2 pages						
	45.	Medi-Physics brochure entitled "I-125 Seeds. No. 7000; Medi-Physics, Inc. Arlington Heights Il. 60004, USA; Revised. October 1999, 2 pages						
	46.	Amersham Health; "EchoSeed™"; <a href="http://www.amershamhealth-us.com/echoseed/">http://www.amershamhealth-us.com/echoseed/</a> printed 11/19/2003						
	47.	Amersham Health; "Rapid Strand Indications" <a href="http://www.amershamhealth-us.com/products/index.htm?a=i&amp;i=38">Http://www.amershamhealth-us.com/products/index.htm?a=i&amp;i=38</a> ; printed 11/19/2003						
	48.	Amersham Health; "OncoSeed™ (Iodine-125 Seeds) <a href="http://www.amershamhealth-us.com/oncoseed/">http://www.amershamhealth-us.com/oncoseed/</a> ; printed 11/19/2003						
Examiner				Date Considered				
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>*1 = Copy not submitted because it was submitted in prior application SN <u>      </u> / <u>      </u>, filed <u>      </u>, 20<u>  </u>, relied on under 35 USC §120.</p> <p>*2 = Copy not submitted because it was submitted in prior application SN <u>      </u> / <u>      </u>, filed <u>      </u>, 20<u>  </u>, relied on under 35 USC §120.</p>								